

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CONNIE BARBAROTTO and :
HENRY BARBAROTTO, husband :
and wife, :
Plaintiffs :
v. : CIVIL ACTION NO. 02-4389
HERSHEY ENTERTAINMENT & :
RESORTS COMPANY, :
Defendant :
:

**AFFIDAVIT OF EDNA JENKINS IN SUPPORT OF
DEFENDANT'S MOTION TO TRANSFER**

Edna Jenkins, pursuant to 28 U.S.C. §1746 relating to unsworn declarations under penalty of perjury, states:

1. I am the Trademarks/Litigation Administrator for Hershey Entertainment and Resorts Company ("HE&R") and as such am authorized to make this affidavit on its behalf and in support of its Motion to Transfer this action.
2. HE&R is a Pennsylvania Corporation with headquarters and principal place of business located at 300 Park Boulevard, Hershey, Pennsylvania 17033.
3. HE&R is in the business of operating HERSPARK and HERSPARK Stadium, among other entertainment and resort venues.
4. HE&R maintains its headquarters in Hershey, Dauphin County, Pennsylvania.
5. This action arises out of a trip and fall accident which allegedly occurred at an 'Nsync concert at HERSPARK Stadium on May 28, 2001.

6. At this time, HE&R has identified John Tshudy, Allen Kintzer, Mona Hamilton, and Timothy Shellenberger as potential liability witnesses.

7. All of these potential witnesses live and work in the Hershey/Harrisburg area.

8. John Tshudy, HE&R's Director of Buildings & Grounds Maintenance, lives at 884 Palmyra Bellgrove Road, Annville, PA 17003.

9. Mona Hamilton, a Registered Nurse from the HERSPARK First Aid staff, who assisted Plaintiffs at the time of the accident, lives at 515 Randall Circle Hummelstown, PA 17036.

10. Allen Kintzer, an EMT from the HERSPARK First Aid staff, who assisted Plaintiffs at the time of the accident, lives at 604 East Lincoln Avenue, Myerstown, PA 17067.

11. Timothy Shellenberger, Director of Safety & Security for HERSPARK, who lives at 716 Bachmanville Road, Hershey, PA 17033.

12. All of HE&R's witnesses and documents concerning the alleged accident are located within the Middle District, as is the actual site of the alleged accident.

13. Although the complaint does not mention the address of Plaintiffs, based on prior representations I believe that Plaintiffs reside at 718 Kimball Avenue, Yonkers, New York 10704.

14. Documents received from Plaintiffs to date indicate that none of Plaintiffs' witnesses, including her doctors, are located within the Eastern District. Rather, these documents indicate the following names and addresses of treating physicians:

- a) John Schirripa, M.D., treating physician, 750 Kimball Avenue, Yonkers, New York, 10704; and
- b) Southern Westchester Orthopedics & Sports Medicine Assoc., P.C., treating physician, 970 N. Broadway, Suite 204, Yonkers, New York 10701.

I state under penalty of perjury that the foregoing is true and correct. Executed on July 26, 2002.

Edna Jenkins